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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,049	10/11/2001	Kojiro Yamazaki	0051-0165P-SP	7614

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,049

Applicant(s)

YAMAZAKI ET AL.

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-17 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 November 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,308,315 to Smith.

Smith discloses a child car seat that includes all the limitations recited in claims 1-5 and 19-21. Smith shows a child car seat having a seat bottom 1 (Fig. 1), a seat back 18 (Fig. 1) capable of turning, a strap 7,8 (Fig. 1) passing under a central portion of the seat bottom, an anchoring member 14 (Fig. 1), a strap tightening device 11 (Fig. 1) capable of engaging the seat bottom, a stepped part, a housing recess in the seat

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bottom, seat back connecting projections 20 (Fig. 2) engaged in seat bottom slots, a first projection 23 (Fig. 3) on the seat bottom that faces inwardly toward the seat back, and a second projection 25 (Fig. 2) on the seat back that faces outwardly toward the seat bottom wherein the second projection engages the first projection on one side of the first projection and then climbs over the first projection to a position on an opposite side of the first projection (see Fig. 2) in order to limit the angle between the seat bottom and back.

Allowable Subject Matter

4. Claims 6-17 are allowed.

Response to Arguments

5. Applicant's arguments filed 19 November 2003 have been fully considered but they are not persuasive. Applicant argues that Smith fails to disclose a child car seat wherein the strap passes under a central portion of the seat bottom as set forth in claim 1. However, Figures 1 and 2 of Smith clearly show that the strap passes through the central portion of the seat bottom midway between the front and back portions of the seat bottom. Next, Applicant argues that Smith merely discloses a buckle 11 (Fig. 1) which is not a strap tightening device capable of engaging the seat bottom that is slidably connected to a front part of the strap as set forth in claim 1. However, the buckle 11 of Smith meets all the limitations of the strap tightening device because the strap 7 (Fig. 1) is slidably adjustable relative to the buckle. Moreover, the strap

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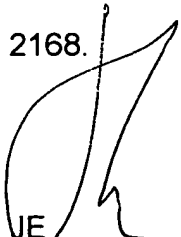
tightening device, i.e. buckle, adjusts to secure the child car seat to vehicle seats having various sizes. Accordingly, the strap tightening device may be adjusted to engage the seat bottom when the child car seat is used in conjunction with a vehicle seat having a small seat height or depth. Therefore, the strap tightening device is capable of engaging the seat bottom when used with a relatively small vehicle seat. Lastly, Applicant argues that Smith fails to disclose a child car seat wherein the first projection faces inwardly toward the seat back as set forth in claim 19. However, the first projection 23 (Fig. 3) of Smith clearly projects inwardly toward the seat back, and consequently second projection 25 (Fig. 3), so that the projections may engage.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

2168.


JE
February 4, 2004


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600